

**NOTICE OF PUBLIC MEETING
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **Thursday, January 26, 2006** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- I. Call to Order and Roll Call** **Vice Chairperson Carter Olson**
- II. Minutes of the November 17, 2005 Meeting**
 - Approval of Minutes **P-F-T**
- III. Award Presentation** **Vice Chairperson Carter Olson**
 - The Commission will recognize Jim Boles, former Commission member for his years of service to the Commission. **Info**
- IV. Executive Director's Report** **John A. Blackburn, Jr.**
 - A. Staff Update** **Info**
 - B. Legislative Update** **Info**
- V. Criminal Records Challenge Case #05C-002-JCA Petitioner Michael Senger** **Vice Chairperson Carter Olson**
 - The Commission may go into Executive Session on Item V pursuant to A.R.S. § 38-431.03 (A) (2) for the discussion or consideration of records exempt by law from public inspection.

- Review, discussion, consideration and action on Administrative Law Judge decision on case #05C-002-JCA. **A-R-M**

VI. Residential Substance Abuse Treatment (RSAT) Kathy Karam
 • Discussion on available funds for FY07 **Info**

VII. Byrne/Justice Assistance Grant (JAG) Kathy Karam

- A.** Review, discussion, consideration and possible action on Program Purpose Areas. **P-F-T**
- B.** Review, discussion, consideration and possible action on match requirements. **P-F-T**
- C.** Review, discussion, consideration and possible action on Criminal Justice Records Improvement program allocations. **P-F-T**
- D.** Review, discussion, consideration and possible action on awards under the \$10,000 BJA threshold. **P-F-T**
- E.** Review, discussion, consideration and possible action on available funds for FY07. **P-F-T**

VIII. Crime Victim Assistance Program Tony Vidale
 • Review, discussion, consideration and possible action on the FY07 Program Level. **P-F-T**

IX. FY 2004 Crime Victim Services Annual Report Tony Vidale
 • Presentation and highlights of the report. **Info**

X. Call to the Public
 Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

XI. Date, Time, and Location of Next Meeting
 • The next Commission meeting will be held on **Thursday, March 30, 2006 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XII. Adjournment

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the November 17, 2005 Meeting

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on November 17, 2005.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission
Summary of the Minutes
November 17, 2005**

A public meeting of the Arizona Criminal Justice Commission was convened on November 17, 2005 at the Hilton Phoenix East/Mesa, 1011 W. Holmes Avenue, Kiva A Room, Mesa, Arizona 85210.

Members Present:

J.T. McCann, Chairperson, Chief, Flagstaff Police Department
Robert Carter Olson, Vice-Chairperson, Pinal County Attorney
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Duane Belcher, Chairperson, Board of Executive Clemency
David Byers, Director, Administrative Office of the Courts, Jerry Landau representing
Clarence Dupnik, Pima County Sheriff, George Heaney representing
Terry Goddard, Attorney General, Cameron Holmes representing
Daniel Hughes, Chief, Surprise Police Department
Barbara LaWall, Pima County Attorney
Rod Marquardt, Chief Probation Officer, Mohave County Adult Probation
Tommie Cline Martin, Gila County Supervisor, Jo Johnson representing
Richard Miranda, Chief, Tucson Police Department
Ralph Ogden, Yuma County Sheriff
Dora Schriro, Director, Department of Corrections
Linda K. Scott, Former Judge
Andrew P. Thomas, Maricopa County Attorney, Phil MacDonnell representing
Roger Vanderpool, Department of Public Safety, Lu Himmelstein representing

Members Absent:

Tony Estrada, Santa Cruz County Sheriff

Guests Participating:

Dana Hlavac, Mohave County Public Defender, Vice President of the Arizona Public Defender Association

Staff Participating:

John A. Blackburn, Jr., Executive Director
Pat Nelson, Program Manager
Kathy Karam, Program Manager
Steve Ballance, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson McCann at 1:35 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the September 22, 2005 Meeting

Chairperson McCann called for a motion on the minutes. Commissioner Jim Boles entered a motion to approve the minutes of the September 22, 2005 meeting. The motion seconded by Commissioner Linda Scott passed unanimously.

III. Award Presentation

Chairperson McCann recognized Richard Yost, former Commission member for his years of service and dedication to the Arizona Criminal Justice Commission and introduced Chief Daniel Hughes as a new member of the Commission. This item was for information only.

IV. Executive Director's Report

A. Staff Information

Director Blackburn updated the Commission on the hiring of Information Technology Manager, Bill Kalaf who will be introduced at the January meeting. ACJC expects to have additional IT staff before the end of the year. This item was for information only.

B. 2006 Meeting Schedule

Director Blackburn discussed May and September meeting dates with the Commission members. The Director presented the Commission with four dates: 1.) May 25 at ACJC; 2.) May 30 at LECC Conference in Tucson; 3.) September 21 at ACJC; 4.) week of September 20, AACOP meeting in Laughlin, NV. Commissioner Ralph Ogden entered a motion to hold the Commission meeting on May 30, 2006 at the LECC conference in Tucson. The motion was seconded by Designee George Heaney. The motion passed with one dissenting vote. Designee Cameron Holmes entered a motion to hold the Commission meeting on September 21, 2006 at ACJC. The motion seconded by Commissioner Barbara LaWall passed unanimously.

C. Legislative Update

Mary Marshall, Public Information Officer informed the Commission that staff has been monitoring the justice appropriations process. The funding for this cycle is \$416.4 million, a 42% reduction from last year. Other changes include a 60% reduction for RSAT and NCHIP programs. Staff is preparing an impact statement that will take into consideration not only the 42% reduction, but provide an overview of all programs funded under JAG as well as other programs designated in the strategy adopted by the Commission. This item was for information only.

V. National Criminal History Improvement Program (NCHIP) Cycle IX Grant Funding Reallocation

Pat Nelson, Program Manager explained to the Commission that in 2003, ACJC awarded \$88,685 to the Administrative Office of the Courts (AOC) for additional resources for the rollout of 130 courts with the electronic disposition reporting module developed and implemented in 2001-2002. Detailed analysis of the electronic disposition reporting project has taken place between AOC and DPS. The agencies have decided to focus on the reporting process by putting front end edits in place before continuing to bring on additional courts with the electronic disposition. The AOC has agreed that the trainer expenditure allocated by this grant is no longer needed and they will not be utilizing the remainder of the grant funds. This request is to allow remaining funds in the amount of \$31,600 be reallocated to the DPS to continue enhancing the ADRS project by utilizing funds for appropriate training materials to be sent to all criminal justice agencies using the ADRS. Permission was granted by the U.S. Department of Justice, National Institute of Justice, Bureau of Justice Statistics to reallocate funding. Commissioner Jim Boles entered a motion to approve the reallocation of 2003 NCHIP (Cycle IX) funds in the amount of \$31,600 to the Arizona Department of Public Safety. The motion seconded by Commissioner Barbara LaWall passed unanimously.

VI. 2005 Enhanced Drug & Gang Enhancement (EDGE) Report

Kathy Karam, Program Manager presented the 2005 Enhanced Drug & Gang Enforcement Report. The report is prepared in accordance with the statute under A.R.S. § 41-2405 (A) 12. The report provides summary information on projects receiving funds from the Drug and Gang Enforcement Account and Criminal Justice Enhancement Fund for FY 2005 that are related to drug activity or drug related street gang activity. This item was for information only.

VII. Arizona Public Defenders Association Legislative Proposal

Dana Hlavac, Mohave County Public Defender, Vice President of the Arizona Public Defender Association presented a request for formal action to the Commission on three alternative proposals for inclusion or addition of public defender indigent defense representation on the Commission. Mr. Hlavac addressed the three versions. Version 1 seeks to include three public defenders as the same criteria as county attorneys in each jurisdiction and one victim's rights advocate; Version 2 eliminates two county attorneys, two police chiefs, two county sheriffs and adds one public defender and one victim's rights advocate; and Version 3 adds one member of the Board of Directors of the Arizona Public Defender Association. The Commission discussed possible amendments for Version 3 by removing the sentence in Paragraph 7; a member of the

Board of Directors of the Arizona Public Defender Association and adding to Paragraph B; one public defender. Following discussion, Designee Jerry Landau entered a motion for the Commission to choose not to support Versions 1 and 2. The motion seconded by Commissioner Barbara LaWall passed unanimously. Designee Jerry Landau entered a motion for the Commission to support the concept of Version 3. The motion seconded by Commissioner Duane Belcher did not pass. Commissioner Carter Olson motioned that the Commission direct the Executive Director to monitor, advocate and participate in conversations concerning this piece of legislation. The motion seconded by Designee Jerry Landau passed unanimously.

VIII. Statistical Analysis Center (SAC) Projects

Steve Ballance, Program Manager discussed the successes of the SAC unit and addressed that the goals were to increase the visibility and creditability of the program on an internal, external and national level. One example of their achievement is the Arizona Youth Survey that is one of 26 reports developed to give information on substance abuse, criminal justice, gang and gun issues. Mr. Ballance has been asked to serve as a delegate on the Executive Committee for Justice Research Statistics Association and the Research Committee for Justice Research Statistics Association (JRSA) which provides opportunities for Arizona in collaboration, information sharing and criminal justice research. There has also been enhanced communication with the Bureau Justice Statistics (BJS) on criminal history records that could allow for grants in the future. Mr. Ballance informed the Commission that JRSA recognized Arizona's SAC with the 2005 SAC Web Site Award. This item was for information only.

IX. Call to the Public

Chairperson McCann made a call to the public. Commissioner Boles informed the Commissioners this was his last meeting and expressed gratitude for the time served on the board.

X. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on Thursday, January 26, 2006 at 1:30 p.m. at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

The meeting was adjourned 2:50 p.m.

Respectfully submitted,

John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.



ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Award Presentation

TO: Commission Members

FROM: Carter Olson, Vice Chairperson

RECOMMENDATION:

Information Only

DISCUSSION:

On behalf of the Commission members and staff, the Vice Chairperson will recognize Jim Boles, former Commission member for his years of service and dedication to the Arizona Criminal Justice Commission and the criminal justice system.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report-Staff Update

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

The Director will introduce the newest member of the ACJC staff, Mr. Bill Kalaf.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report-Legislative Update

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Director Blackburn will update the Commission on the 2006 Legislative session.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

+ Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Criminal Records Challenge Case #05C-002-JCA Michael Senger

TO: Commission Members

FROM: Carter Olson, Vice Chairperson

RECOMMENDATION:

The Commission adopt the recommendation of Administrative Law Judge Brian Brendan Tully to dismiss the petition of Michael Senger and take no further action concerning Petitioner's current criminal history record information maintained by the Arizona Department of Public Safety.

DISCUSSION:

Petitioner challenged the accuracy of his criminal record. An administrative hearing was conducted on October 13, 2005 and the Administrative Law Judge Brian Brendan Tully recommended the petition be dismissed and no further action be taken concerning Petitioner's current criminal history record information maintained by the Arizona Department of Public Safety.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Reject-Modify

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Residential Substance Abuse Treatment (RSAT)

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

Information Only

DISCUSSION:

See attached

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

Residential Substance Abuse Treatment Program (RSAT)

The U.S. Department of Justice, Bureau of Justice Assistance has provided funding for this program for several years. This program has merit and adds value to the community but along with others was reduced 69.7% in FFY 2006. The amount awarded to Arizona for FFY 2006 is \$223,474 reduced from \$738,576 in FFY 2005. The grant application was due to the Department of Justice on January 19, 2006.

With reversions and previous federal grant balances, ACJC scraped together enough funds along with the required 25% match to provide a program size of \$1,172,212 to fund 10 programs this current year.

The current programs, four (4) at the Department of Corrections, four (4) at the Department of Juvenile Corrections and two (2) at Maricopa County Sheriff's Office saw a 41.38% reduction in FY 2006. These programs cannot be sustained at that level in FY 2007 based on this estimated funding.

Staff anticipates that difficult funding decisions will need to be made in May as a result of this funding reduction.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Byrne/JAG Program Purpose Areas

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission approve specific policy decisions on the administration of the Byrne/JAG program.

DISCUSSION:

The Drug, Gang and Violent Crime Committee met on January 13, 2006 and recommends to the Commission to consider this opportunity to discuss the Byrne/JAG Program Purpose Areas and make a decision on the administration of the Byrne/JAG program. See attached.

FISCAL IMPACT:

Significant to Program Participants.

ALTERNATIVES:

Not Approve - Modify - Table

Byrne/Justice Assistance Grant (Byrne/JAG)

In Federal Fiscal Year 2005 the Edward Byrne Memorial State and Local Assistance Grant program was combined with the Local Law Enforcement Block Grant (LLEBG) and became the Byrne Justice Assistance Grant (Byrne/JAG). At that time the funding formula was also dramatically changed. The Commission is responsible for managing 60% of the combined federal funds. The other 40% is distributed directly to local agencies by the Bureau of Justice Assistance (BJA). The funds distributed directly to local agencies through BJA are not required to be spent on projects that enhance the *2004-2007 Arizona Drug, Gang and Violent Crime Strategy* adopted by the Commission January 22, 2004.

The previously adopted priority areas for the Byrne Grant Program are:

Priority #1

- Multi-jurisdictional, multi-agency drug task forces and their tandem drug prosecution projects.

Priority #2

- Criminal Justice Records Improvement

Priority #3

- Drug Forensic Laboratories
- Drug Adjudication
- Drug Detention

Priority #4 (Approved by the Commission March 24, 2005)

- Drug Prevention
- Drug Education
- Drug Treatment

The Byrne/JAG program is very broad and permits funds to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment programs
- Planning, evaluation and technology improvement programs

The current funding challenges also presents an opportunity to evaluate the current programs and identify new and innovative ways to fund successful programs and showcase agency successes.

The following points are presented to begin discussions on effective and efficient administration of the Byrne/JAG program.

Priority Areas:

- Continue to fund programs in the previously approved priority areas.
- Add new priority areas.
- Delete priority areas.

Funding Based on Performance:

- Require each grantee to demonstrate effectiveness based on performance.
- Make funding decisions based on performance.

Direct BJA funding/Program Income:

- Consider available direct BJA funding, such as 40% Direct and Methamphetamine Enforcement be used to supplement the Byrne/JAG program when making funding decisions.
Note: 28% of the funds awarded directly are being used to supplement or support the *2004-2007 Arizona Drug, Gang and Violent Crime Strategy* this current year.
- Require agencies to use program income to support and sustain their project, if any is available prior to requesting reimbursement. Program income is the portion of RICO generated by the existence of this program.

Regionalization/HIDTA as funding priorities:

- Encourage task forces to combine and regionalize rather than operate on a countywide basis and place funding priorities on those that combine.
- Place an emphasis on funding the agencies operating in areas designated as High Intensity Drug Trafficking Areas (HIDTA).
- Place an emphasis on funding the agencies operating in areas not designated as HIDTA.

The Drug, Gang and Violent Crime Committee recommend to the Commission the following: Continue to fund programs in the previously approved priority areas; require each grantee to demonstrate effectiveness based on performance; make funding decisions based on performance; consider available direct BJA funding, such as 40% Direct and Methamphetamine Enforcement Initiative be used to supplement the Byrne/JAG program when making funding decisions; and require agencies to use program income to support and sustain their project, if any is available prior to requesting reimbursement of federal funds.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Byrne/JAG Match Requirements

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission approve the match requirement for grants awarded under the Byrne/JAG Program.

DISCUSSION:

The Drug, Gang and Violent Crime Committee met on January 13, 2006 and recommends to the Commission to consider the match required for grants awarded under the Byrne/JAG program. See attached.

FISCAL IMPACT:

Significant to Program.

ALTERNATIVES:

Not Approve - Modify - Table

Byrne/Justice Assistance Grant (Byrne/JAG) Match Requirement

The new Byrne/Justice Assistance Grant (Byrne/JAG) program does not require a match although BJA emphasizes that match is an effective strategy for states and local units of government to leverage federal justice funds and build buy-in for local criminal justice initiatives. Last year the Commission voted to continue requiring a match of federal funds for all projects.

Each year the grantees have certified on their application that they will provide a match for their program. Last year the Commission voted to match 25% on the **federal** portion of funds only. The Commission also voted to supplement \$5,025,376 in State Drug and Gang Enforcement Account funds (38.09%). The larger this supplement becomes the more it will reduce the percentage match on the program overall. The actual match for Cycle 19 was 15.5% of the total award or 25% of the federal funds. The following percentages have been used in the past:

Cycle	% Match on overall
19	15.5%
18	23.1%
17	22.5%
16	23.1%

Staff has prepared four match options for the Committee to review.

Option 1: \$1 of match on each \$3 in federal funds. The impact of this option is shown on Agenda Item IV-E Table 3. The match requirement on the total program is 10.76% to 11.46% depending on funding decisions.

Option 2: \$1 of match on each \$2 in federal funds. The impact of this option is shown on Agenda Item IV-E Table 4. The match requirement on the total program is 15.31% to 16.26% depending on funding decisions.

Option 3: \$2 of match on each \$3 in federal funds. The impact of this option is shown on Agenda Item IV-E Table 5. The match requirement on the total program is 19.42% to 20.56% depending on funding decisions.

Option 4: \$1 of match on each \$1 in federal funds. The impact of this option is shown on Agenda Item IV-E Table 6. The match requirement on the total program is 26.56% to 27.97 depending on funding decisions.

The Drug, Gang and Violent Crime Committee recommend to the Commission Option 3 \$2 of match for each \$3 in federal funds representing a 19.42% to 20.56% overall match to the program depending on funding decisions.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Byrne/JAG Criminal Justice Records Improvement Program set-aside

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission approve 5% of the Byrne/JAG Grant be set-aside for the Criminal Justice Records Improvement Program (CJRIP).

DISCUSSION:

The current Byrne/JAG program no longer requires a 5% set-aside for Criminal Criminal Justice Records Improvement Program (CJRIP). The *2004-2007 Arizona Drug, Gang and Violent Crime Control Strategy* lists Criminal Justice Records Improvement as priority #2. The Drug, Gang and Violent Crime Committee met on January 13, 2006 and recommends to the Commission to consider 5% (\$182,694) of the Federal Byrne/JAG grant funds to be set-aside for the Gerald Hardt Memorial Criminal Justice Record Improvement Program (CJRIP) for programs to be funded in FFY 2007.

FISCAL IMPACT:

Significant to Program.

ALTERNATIVES:

Not Approve - Modify - Table

The Gerald Hardt Memorial Criminal Justice Records Improvement Program

The Edward Byrne Local Law Enforcement Grant mandated a 5% set-aside of its grant funds for criminal justice records improvement. This is no longer a requirement of the new Byrne/JAG grant. Last year the Commission voted to continue to set the 5% (\$297,240) aside. The *2004-2007 Arizona Drug, Gang and Violent Crime Control Strategy* approved by the Commission on January 22, 2004 shows this program as priority area #2.

These funds have been used to improve the criminal justice records in many agencies throughout Arizona. The funding has placed records management systems in police departments and sheriff's offices. Case management systems have been provided to county attorneys within the state as a result of the program. Numerous Live Scan fingerprint devices have been provided to law enforcement agencies to be used to improve the fingerprint capabilities of law enforcement agencies and to initiate the records with charges at the Central State Repository. Ninety-eight percent of the fingerprints being submitted to the Central State Repository today are sent electronically.

Since 1995, these funds have been leveraged with NCHIP, State Identification System, National Sex Offender Registration and National Incident Based Reporting System Grants to assist agencies in completing projects. The leveraging of funds from one grant to supplement another has provided for many successful projects within Arizona that could not have been completed without the multiple grants working together.

The Drug, Gang and Violent Crime Committee recommend to the Commission to continue to set-aside 5% (\$182,694) of the Federal Byrne/JAG grant funds for the Gerald Hardt Memorial Criminal Justice Record Improvement Program (CJRIP) for programs to be funded in FFY 2007.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Byrne/JAG Under \$10,000 BJA threshold

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission approve whether to fund projects under the \$10,000 threshold that do not qualify for direct Bureau of Justice Assistance funding.

DISCUSSION:

The Drug, Gang and Violent Crime Committee met on January 13, 2006 and recommends to the Commission to consider whether to fund projects under the \$10,000 BJA threshold. See attached.

FISCAL IMPACT:

Significant to Program.

ALTERNATIVES:

Not Approve - Modify - Table

Byrne/JAG Projects Under 10K

The Byrne/JAG grant requirement mandates that a portion of these funds be set-aside for local agency benefit. The agencies that qualified for set-aside through the Commission do not qualify for the 40% direct BJA funding of \$10,000 plus. The new Byrne/JAG program guidelines gives the SAA the option of passing the under \$10,000 funds to eligible local recipients or including that amount in the overall Byrne/JAG program. The Commission will still comply with the benefit of local agencies provision if they choose not to fund the projects under \$10,000.

Staff anticipates that the 40% BJA direct funding will be reduced by the same amount as the 60% that comes to the Commission. This can possibly decrease the list of eligible direct recipients who qualify for \$10,000 plus and shift those eligible to the Commission's list.

The Commission's mandated pass through for local benefit is \$226,299 for FFY06 reduced slightly from last years \$232,859.

Thirty-eight of the sixty-three eligible agencies applied for Byrne/JAG Under 10K funding this past year. Some agencies declined the funds due to the small amounts. Of the agencies who applied for funding this current grant period, 73.68% were affiliated with one of ACJC funded Multi-Jurisdictional, Multi-Agency Drug Task Forces. 67.56% used the funds to support the Commission approved priority areas such as drug education, drug prevention programs, equipment and overtime for narcotics officers. 32.34% used it for general law enforcement equipment such as laptops, digital radios, digital imaging, cameras, etc.

Of the agencies that applied for funding, 72% of the agencies are delinquent on their reports. The costs associated with the administration, monitoring and auditing of such small grant awards is becoming an ongoing burden on staff resources due to the reduction in federal administrative dollars. Staff requests the Commission keep this in mind when making a decision to fund these small grant awards.

The Drug, Gang and Violent Crime Committee recommends to the Commission to set aside a required portion to fund eligible projects less than \$10,000 that do not qualify for Direct 40% BJA \$10,000 plus funding.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Byrne/JAG Program Funding Level

TO: Chairperson and Commission Members

FROM: Kathy Karam, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission approve the amount of funding to be made available for Cycle 20 for the Byrne/JAG Program beginning July 1, 2006 and ending June 30, 2007.

DISCUSSION:

The Drug, Gang and Violent Crime Committee met on January 13, 2006 and recommends to the Commission to consider funding Option C, Table 5, #2 for Cycle 20 for the Byrne/JAG program. See attached.

FISCAL IMPACT:

Significant to Program.

ALTERNATIVES:

Not Approve - Modify - Table

Funding for Cycle 20

Byrne Justice Assistance Grant (Byrne/JAG)

For FFY06, the U.S. Congress funded the Byrne/JAG grant program at \$295.5 million. The State Administrative Agency (SAA) awarded amount is \$3,653,881. This is a 38.53% reduction in funding from our FFY 2005 award of \$5,944,799.

Staff offers four (4) possible funding options. Each provides a program size depending on the amount of federal funds, Drug Enforcement Account (DEA) funds and hard cash match required. The Committee may also chose an alternative funding option.

Some funding assumptions have been made.

Cycle 20 Funding Assumptions:

1. The Bush Administration is continuing its determination to end the Byrne/Justice Assistance Grant (Byrne/JAG) for the third year. No funding has been proposed in the Presidents budget.
2. Congress has appropriated 295.5 million for the Byrne/JAG program. The SAA allocation is \$3,653,881.
3. The Commission will use \$365,388 or 10% for administrative expenses.
4. The Committee may choose to require a match percentage between 25%-100% on the federal dollars.
5. The Committee may choose a 5% (\$182,694) set-aside for criminal justice records improvement.
6. The Committee may choose to fund small grants of less that \$10,000 to local governments that do not meet the 40% direct BJA \$10,000 threshold. The amount of the pass-through funds for local benefit is \$226,299.

Staff estimates that \$519,134 of unexpended FFY 2005 Byrne/JAG federal funds will carry forward to FY 2007 (Cycle 20), plus \$3,653,881 in anticipated FFY 2006 funds for a total of \$4,173,015.

Federal Funds

Table 1 Available Federal Funds	OPTION 1 CJRIP set-aside	OPTION 2 CJRIP & <10K set-aside	OPTION 3 No set-asides
FFY06 Byrne/JAG Grant Estimated	\$3,653,881	\$3,653,881	\$3,653,881
Remaining Balance FFY05 Byrne/JAG Grant	\$519,134	\$519,134	\$519,134
Subtotal	\$4,173,015	\$4,173,015	\$4,173,015
Administration (10%)	\$365,388	\$365,388	\$365,388
CJRIP set-aside (5%)	\$182,694	\$182,694	\$0
<10K set-aside	\$0	\$226,299	\$0
Subtotal	\$548,082	\$774,381	\$365,388
Estimated Available for Cycle 20	\$3,624,933	\$3,398,634	\$3,807,627

Table 1 shows three estimates, Option 1 is dependent upon the outcome of a previous agenda item. If the Committee chooses to fund CJRIP projects, the amount of monies available is reduced by the 5% (\$182,694) set-aside for that program. Likewise, Option 2 is dependent upon the outcome of a previous agenda item. If the Committee chooses to fund the less than \$10,000 projects, the amount of monies available for that purpose is reduced by the amount available.

DEA Account

Table 2 Projected Available DEA Funds	
Beginning Balance FY 2006	\$2,262,121
FY 2006 Revenue Projection	\$5,803,411
Cycle 18 Reversion	\$69,576
Subtotal	\$8,135,108
FY06 Administrative Budget Plan	\$550,000
Cycle 18 Adjustments	(\$25,230)
Cycle 19 Plan	\$5,025,376
Subtotal	\$5,550,146
FY 2006 Estimated Ending Balance	\$2,584,962
FY 2007 Revenue Projection	\$6,209,649
DEA Estimated Balance Available	\$8,794,611
FY2007 Administrative Budget Plan	\$580,341
CYCLE 20 Plan	\$6,000,000
	\$6,580,341
Estimated Ending Balance FY07	\$2,214,270

Table 2 shows the Drug Enforcement Account (DEA) revenue projection for the State FY2007 is \$6,209,649, in comparison with \$5,803,411 for FY2006. Staff has conservatively projected the amount that may be available for the 12-month period for Cycle 20 at \$6,000,000. This leaves a balance of \$2.2 million in reserve for FY 2008 or Cycle 21.

Funding Options:

All options utilize the maximum amount available in federal funds and utilize \$6,000,000 of DEA funds to support Cycle 20.

Table 3

Option A	# 1 5% CJRIP set-aside	# 2 5% CJRIP & <10K set-aside	# 3 No set-asides
Maximum Available Byrne/JAG Funds	\$3,624,933	\$3,398,634	\$3,807,627
State DEA Enhancement	\$6,000,000	\$6,000,000	\$6,000,000
\$1 Local Cash Match on each \$3 Federal (1/3)	\$1,208,311	\$1,132,878	\$1,269,209
Total Estimated Program Size	\$10,833,244	\$10,531,512	\$11,076,836
Program Size Reduction from Cycle 19:	17.89%	20.17%	16.04%
Percent Match on Program:	11.15%	10.76%	11.46%

Funding Option A in (Table 3) sets the matching requirement at \$1 for each \$3 in federal dollars, bringing the actual match percentage to 10.76%-11.46% depending on the outcome of previous Agenda Items. This option reduces the program size by 16.04%-20.17%.

Table 4

Option B	# 1 5% CJRIP set-aside	# 2 5% CJRIP & <10K set-aside	# 3 No set-asides
Maximum Available Byrne/JAG Funds	\$3,624,933	\$3,398,634	\$3,807,627
State DEA Enhancement	\$6,000,000	\$6,000,000	\$6,000,000
\$1 Local Cash Match on \$2 in Federal (1/2)	\$1,812,467	\$1,699,317	\$1,903,814
Total Estimated Program Size	\$11,437,400	\$11,097,951	\$11,711,441
Program Size Reduction from Cycle 19:	13.31%	15.88%	11.23%
Percent Match on Program:	15.85%	15.31%	16.26%

Funding Option B (Table 4) sets the matching requirement at \$1 for each \$2 in federal dollars, bringing the actual match percentage to 15.31%-16.26% depending on the outcome of previous Agenda Items. This option reduces the program size by 11.23%-15.88%.

Table 5

Option C	# 1 5% CJRIP set-aside	# 2 5% CJRIP & <10K set-aside	# 3 No set-asides
Maximum Available Byrne/JAG Funds	\$3,624,933	\$3,398,634	\$3,807,627
State DEA Enhancement	\$6,000,000	\$6,000,000	\$6,000,000
\$2 Local Cash Match on \$3 Federal (2/3)	\$2,416,622	\$2,265,756	\$2,538,418
Total Estimated Program Size	\$12,041,555	\$11,664,390	\$12,346,045
Program Size Reduction from Cycle 19:	8.73%	11.59%	6.42%
Percent Match on Program:	20.07%	19.42%	20.56%

Funding Option C (Table 5) sets the matching requirement at \$2 for each \$3 in federal dollars, bringing the actual match percentage to 19.42%-20.56% depending on the outcome of previous Agenda Items. This option reduces the program size by 6.42%-11.59%.

Table 6

Option D	# 1 5% CJRIP set-aside	# 2 5% CJRIP & <10K set-aside	# 3 No set-asides
Maximum Available Byrne/JAG Funds	\$3,624,933	\$3,398,634	\$3,807,627
State DEA Enhancement	\$6,000,000	\$6,000,000	\$6,000,000
\$1 Local Cash Match on \$1 Federal (1/1)	\$3,624,933	\$3,398,634	\$3,807,627
Total Estimated Program Size	\$13,249,866	\$12,797,268	\$13,615,254
Program Size Reduction from Cycle 19:	-0.43%	3.00%	-3.20%
Percent Match on Program:	27.36%	26.56%	27.97%

Funding Option D (Table 6) sets the matching requirement at dollar for dollar on federal funds, bringing the actual match percentage to 26.56%-27.97% depending on the outcome of previous agenda items. This option either reduces the program size by 3% or increases the program by .43%-3.2%.

The Drug, Gang and Violent Crime Committee recommend to the Commission that the Cycle 20 program utilize \$3,398,634 in federal funds and \$6,000,000 in DEA enhancements, requiring \$2 in match for each \$3 in federal funds, with a 5% set-aside for CJRIP and a set-aside for the less than \$10,000 projects as shown in Option C, Table 5 #2.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY 2007 Crime Victim Assistance Program Level

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Crime Victims Services

RECOMMENDATION:

The Crime Victims Committee recommend to the Commission that the funding level for the Crime Victim Assistance Program for FY 2007 be set at \$900,000.

DISCUSSION:

The Crime Victim Assistance Program funding level in FY 2006 was \$900,000. Based on revenue projections and the approved appropriation for FY07, staff proposes to continue the program level at \$900,000 for FY 2007. Attached is a chart reflecting the financial status of the Crime Victim Assistance Program. The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant - Distribution of \$900,000 of Crime Victim Assistance funds to criminal justice agencies, nonprofit organizations, and other governmental organizations.

ALTERNATIVES:

Not Approve - Modify - Table

Arizona Criminal Justice Commission
Crime Victim Assistance Program
FY 2006 Program Budget

FY 2006 Beginning Balance	\$ 527,405
FY 2006 Projected Revenue:	
Community Supervision Fees	\$ 1,069,881
Reversions Received (As of 12/31/05)	<u>24,041</u>
FY 2006 Total Available	\$ 1,621,327
FY 2006 Program Size	<u>\$ 900,000</u>
FY 2006 Projected Ending Balance	<u><u>\$ 721,327</u></u>
FY 2007 Projected Revenue:	
Community Supervision Fees	<u>\$ 1,123,375</u>
FY 2007 Estimated Available	\$ 1,844,702
FY 2007 Appropriation	<u>\$ 900,000</u>
FY 2007 Projected Ending Balance	<u><u>\$ 944,702</u></u>

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 26, 2006	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	FY 2004 Crime Victim Services Annual Report

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Crime Victim Services

RECOMMENDATION:

Information Only

DISCUSSION:

The 2004 Crime Victim Services Annual Report summarizes activities and services provided by agencies funded under the Victim Compensation Program and Victim Assistance Program. Staff will present highlights of this report.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A